

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Plastic Bulk Merchandise Container Act.

Section 5. Definitions. As used in this Act:

"Bona fide purchaser" means a person who in good faith makes a purchase without notice of any outstanding rights of others.

"Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transportation or storage of goods for sale at retail, including, but not limited to, containers of milk, eggs, or bottled beverage products. For purposes of this definition, a plastic pallet means a plastic portable platform upon which containers, product, or material is placed to facilitate handling.

"Proof of ownership" includes a bill of sale or other evidence showing that an item has been sold to the person possessing the item for fair market value and that the person possessing the item is a bona fide purchaser of the item.

Section 10. Requirements applicable to the sale of plastic

bulk merchandise containers.

(a) A person who is purchasing 5 or more plastic bulk merchandise containers from the same person shall:

(1) obtain from that person a record that contains:

(A) the name, address, and telephone number of the seller of the containers or any consignee of the containers;

(B) a description of the containers, including the number of the containers to be sold; and

(C) the date of the transaction; and

(2) verify the identity of the individual selling the containers from a driver's license or other government-issued identification card that includes the individual's photograph, and record the verification.

(b) A person purchasing plastic bulk merchandise containers shall, for each transaction in which the person purchases 5 or more plastic bulk merchandise containers, record the method of payment used to purchase the containers.

(c) A person who pays \$5,000 or more for plastic bulk merchandise containers in any single transaction, or in aggregate from any one person or entity over a 7-day period, shall obtain proof of ownership from the seller and shall retain a copy of such proof of ownership.

Section 15. Records. A person shall retain a record obtained or made under this Act until the first anniversary of

the later of the date the containers are purchased or delivered.

Section 20. Applicability. This Act does not apply to the collection, receipt, or recycling of plastic bulk merchandise containers by a licensed waste hauler.

Section 25. Penalty; enforcement.

(a) A person who violates this Act shall be guilty of a petty offense and shall be fined an amount not exceeding \$500 for each violation, except as provided in subsection (b).

(b) A person who purchases or receives plastic bulk merchandise containers in violation of this Act and pays or receives \$10,000 or more therefor shall be guilty of a Class 2 felony. Such person shall also be liable for monetary damages to the owner of the stolen plastic bulk merchandise containers in an amount equal to 3 times the replacement value of the stolen plastic bulk merchandise containers. The owner may bring an action in a court of competent jurisdiction for such monetary damages against such a person.